

Remarks

Claims 1-24 and 37-97 will be pending upon entry of this amendment.

Claims 1-12 are allowable.

Claims 25-36 have been canceled without prejudice. New claim 97 had been added in order to separately claim a newly added member of the Markush group of claim 13. Claim 13 has been amended to recite specific epitope bearing portions described in Table 4 at page 86 of the specification. New claim 97 recites one of the newly recited epitope bearing portions of claim 13. Claims 37, 49, 61, 73, and 85 have been amended to correct a misspelled word ("lngth"). Thus, no new matter has been added by way of amendment.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 13-23 are rejected because the recitation of "epitope bearing portion" is allegedly vague and indefinite. The rejection is respectfully traversed.

While not agreeing with the rejection, and merely in the interest of furthering prosecution, Applicants have amended claim 13 to recite specific epitope bearing portions of the claimed sequence as disclosed in Table 4 of the specification. The amendment is believed to have obviated the rejection. Therefore, withdrawal of the rejection is respectfully requested.

Claims 25-35 are rejected because the recitation of "specifically binds" is allegedly unclear in the context of the claim. While Applicants do not agree, claims 25-35 have been canceled, thereby obviating the rejection. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. § 102(b)

Claims 13-23, 25-35, 37-47, 49-59, 61-71, 73-83, and 85-95 are rejected as being allegedly anticipated by Kunsch et al. (EP 0 786 519, published July 30, 1997). The polynucleotide sequence at SEQ ID NO:155, nt 1260 - 454, of Kunsch et al. is said to encode 269 amino acids of SEQ ID NO:64 of the instant application. The rejection is respectfully traversed.

The instant application claims priority to U.S. Ser. No. 08/781,986, filed on January 3, 1997 (the '986 application). The '986 application discloses the exact same sequence as disclosed by Kunsch EP 0 786 519 (see SEQ ID NO:155 of the '986 application, a copy of which is enclosed for the Examiner's convenience as Exhibit A), and was filed more than 18 months prior to the publication of Kunsch EP 0 786 519. SEQ ID NO:155 of Kunsch EP 0 786 519 is identical to SEQ ID NO:155 of priority application Ser. No. 08/781,986. Thus, Kunsch EP 0 786 519 is not available as prior art against the instant application and does not anticipate the instant claims. Therefore, withdrawal of the rejection is respectfully requested.

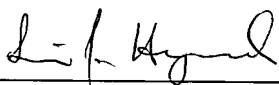
Conclusion

In view of the foregoing remarks, Applicants believe that this application is now in condition for allowance. An early notice to that effect is urged. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

Finally, if there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Dated: 30 October 2003



Lin J. Hymel (Reg. No. 45,414)
Attorney for Applicants

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
Telephone: (301) 241-6015
Facsimile: (301) 309-8439

KKH/LJH/mr